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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,200	11/16/2001	Samuel Cavallaro	2000P09062US01	3398

7590 07/08/2005  
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EXAMINER

VO, LILIAN

ART UNIT	PAPER NUMBER
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2195

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/991,200

Applicant(s)

CAVALLARO ET AL.

Examiner

Lilian Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. Claims 1 – 7 are pending.

### *Response to Amendment*

2. The declaration filed on 4/18/05 under 37 CFR 1.131 is sufficient to overcome the Cavallaro et al. (US Pat. 6,793,625) reference.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (hereinafter AAPA) in view of Dinwiddie, Jr. et al. (US 5,434,590, hereinafter Dinwiddie).

5. Regarding **claim 1**, AAPA discloses a critical care workstation, comprising;  
a display device (fig. 1);  
a processor (fig. 1),  
coupled to the display device, executing (fig. 1);

a general purpose operating system, controlling execution of a selected non-real-time application program for displaying images representing non-real-time data on the display device (fig. 1, specification page 3, lines 12 - 14); and a real-time kernel, controlling execution of a process for displaying images representing real-time data on the display device (specification page 3, lines 10 - 12 and 17 - 18) simultaneously with the display of the non-real-time data (specification page 3, lines 24 - 28).

With respect to the feature in which a circuitry, responsive to user input, for selecting the non-real-time display program from among a plurality of available non-real-time display programs, AAPA discloses a system that can display both images representing real time data and images representing non-real time data such as laboratory results, x-rays, trend data, ventilator loops, etc. by the doctor's selection (specification page 3, lines 5 - 9). It would have been obvious for one of an ordinary skill in the art, at the time the invention was made, to recognize the images representing non real time data such as laboratory results, x-rays, trend data, ventilator loops are from different programs. Furthermore, the system is inherently including a circuitry that responsive to user input in order for the doctor to switch between the programs.

In addition, Dinwiddie discloses a multimedia system, which includes audio module, graphics accelerator module, processor module, and programmable receiver module that can be configured and changed to satisfy a user's needs (col. 4, lines 30 - 58). It would have been obvious for one of an ordinary skill in the art, at the time the invention was made, to combine Dinwiddie's system with AAPA to produce a system that can run different programs, which customized according to user's needs.

6. Regarding **claim 2**, AAPA discloses the general purpose operating system executes simultaneous with and independent from the real-time kernel (page 3, lines 16 - 21).

7. Regarding **claim 3**, AAPA discloses a system that can display both images representing real time data and images representing non-real time data such as laboratory results, x-rays, trend data, ventilator loops, etc. by the doctor's selection (specification page 3, lines 5 – 9). It would have been obvious for one of an ordinary skill in the art, at the time the invention was made, to recognize that the system must also include a storage device which coupled to the processor, wherein the plurality of available non-real-time application programs are stored on the storage device and the general purpose operating system selects one of the stored plurality of non-real-time application programs that responsive to user input in order for the doctor to switch between the programs.

8. Regarding **claim 4**, AAPA discloses a system that can display both images representing real time data and images representing non-real time data such as laboratory results, x-rays, trend data, ventilator loops, etc. by the doctor's selection (specification page 3, lines 5 – 9). It would have been obvious for one of an ordinary skill in the art, at the time the invention was made, to recognize that system must also include a storage device that stores code and data presenting the non-real-time application programs to be executed by the processor that responsive to user input in order for the doctor to switch between the programs.

9. Regarding **claim 5**, AAPA discloses a server and client system which operates and communicates through a network (specification page 1, line 25 – page 2, line 6) and a system that can display both images representing real time data and images representing non-real time data such as laboratory results, x-rays, trend data, ventilator loops, etc. by the doctor's selection (specification page 3, lines 5 – 9). It would have been obvious for one of an ordinary skill in the art, at the time the invention was made, to recognize that the system server is capable of storing the plurality of available non-real-time application programs and the general purpose operating system selects one of the stored plurality of non-real-time application programs that responsive to user input in order for the doctor to switch between the programs.

10. Regarding **claim 6**, AAPA discloses a server and client system which operates and communicates through a network (specification page 1, line 25 – page 2, line 6) and a system that can display both images representing real time data and images representing non-real time data such as laboratory results, x-rays, trend data, ventilator loops, etc. by the doctor's selection (specification page 3, lines 5 – 9). It would have been obvious for one of an ordinary skill in the art, at the time the invention was made, to recognize that the system server that is capable of storing the plurality of available non-real-time application programs also stores code and data presenting the non-real-time application programs to be executed by the processor that responsive to user input in order for the doctor to switch between the programs.

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11. Regarding **claim 7**, AAPA discloses the real-time data is physiological data (specification page 2, lines 7 - 15).

*Response to Arguments*

12. Applicant's arguments with respect to claims 1 - 7 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Merwin (US 3,753,240), Dimmick (US 3,622,230) and Moriya (JP411053249) disclose a system that simultaneously displays real-time information and non-real-time information.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilian Vo whose telephone number is 571-272-3774. The examiner can normally be reached on Monday - Thursday, 7:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist at 571-272-2100.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lilian Vo  
Examiner  
Art Unit 2127

lv  
July 1, 2005

  
**MENG-AL T. AN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**